

Notice of Allowability

Application No.

10/079,258

Applicant(s)

SERICHOL BLASCO, JOSE MARIA

Examiner

Zhuo H Li

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/20/2004.
2. ☒ The allowed claim(s) is/are 2-8.
3. ☒ The drawings filed on 19 February 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

1. Claims 2-8 allowed.

2. The following is an examiner's statement of reasons for allowance:

Applicant's invention is draw to a method and apparatus for performing automatic system for making backup copies of computer files when a personal computer is switched off in order to eliminate the time for the user to wait around for the backup to finish while switch off the computer (i.e., a configurable control software is stored in the hard drive which can automatically generates backup command when the computer is switched off, wherein the files copied may be selected individually by user).

Applicant's independent claim 1 recites, *inter alia*, a system (1) with a structure defined in the specification (pages 2-4) for making automatic backup copies of selected files stored in a hard drive of at least one computer and storing said copies in a storage unit connected to said computer, wherein a configurable control software is installed in the hard drive, wherein said control software includes a backup software and wherein when a user interacts with the computer and generates a command for the computer to be switched off, the control software detects the command and automatically runs the backup software for making the configurable backup copies of selected files from the computer's hard drive to the storage unit, after which the control software switches off the computer by cutting power via a disconnection device. Applicant's invention of claim 1 comprises a particular combination of elements, which is neither taught nor suggested by the prior art.

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Applicant's independent method claim 8 recites, *inter alia*, the steps generating a command via a user for the computer to be shut off, detecting the command via the control software, and automatically running the backup software upon detection of the command, making configurable backup copies of selected files from the computer's hard drive via the backup software and storing said copies in the storage unit, and detecting when the backup copies are completed and automatically switching off the computer via a disconnection device. These steps are neither taught nor suggest by the prior art.

Accordingly, applicant's claims are allowed for these reasons and for the reasons recited by Applicant's amendments (2/13/2004 and 6/8/2004) and response (10/20/2004).


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhuo H Li whose telephone number is 571-272-4183. The examiner can normally be reached on M-F 9:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zhuo H. Li 

Patent Examiner
Art Unit 2186


MATTHEW ANDERSON
PRIMARY EXAMINER
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